

APPEAL NO. 040215  
FILED MARCH 16, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on December 18, 2003, with the record closing on December 19, 2003. The hearing officer determined that the respondent's (claimant) compensable injury of \_\_\_\_\_, does not extend to lumbar herniations, but that the compensable injury does extend to a right knee medial meniscus tear, right knee degenerative arthritic changes, and chondromalacia. The hearing officer's determination that the claimant's compensable injury does not extend to lumbar herniations has not been appealed and has become final. Section 410.169.

The appellant (carrier) appeals the determinations regarding the right knee medial meniscus tear, right knee degenerative changes, and chondromalacia on a sufficiency of the evidence basis, citing the reports of several doctors including the conclusions of Dr. T. The carrier also contends that just because it stipulated that the claimant sustained a "compensable right and left knee injury on \_\_\_\_\_" (we also note that a prior final CCH decision and order also determined that the "compensable injury extends to include both knees"), it was not "agreeing to accept *all* conditions related to that body part." The file does not contain a response from the claimant.

DECISION

Reversed and remanded for reconstruction of the record.

The records of the proceedings consisted of one audiotape. Side A of that tape was very difficult to understand, but was marginally acceptable. Toward the end of side A and the first 300 counters or so of side B, Dr. T testified by speaker telephone. His testimony has background noise and appears to skip in places. Because of the significance of Dr. T's testimony we are remanding the case for reconstruction of the record or transcript of the audiotape.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Workers' Compensation Commission's Division of Hearings, pursuant to Section 410.202 which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Edward Vilano  
Appeals Judge